

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. 15-cv-0770 KG/SMV
14-cr-3643 KG-1**

**JOEL CORDOVA-ORDAZ
aka JOEL ORDEZ-CORDOVA,**

Defendant/Movant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's second Proposed Findings and Recommended Disposition [CV Doc. 20, CR Doc. 48],¹ filed May 23, 2016. On reference by the Court, [Doc. 5], the Honorable Stephan M. Vidmar, United States Magistrate Judge, recommended denying Defendant's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 ("Motion") [CV Doc. 1, CR Doc. 29].

Judge Vidmar issued his first PF&RD in this case on February 19, 2016, in which he recommended denying the Motion except with regard to the issue of whether Defendant directed his trial counsel to file an appeal after sentencing. [CV Doc. 9, CR Doc. 39] at 1. After holding an evidentiary hearing on that limited issue, *see* [CV Doc. 18, CR Doc. 47], Judge Vidmar issued a second PF&RD, finding that Defendant had not convinced the Court that Defendant told his

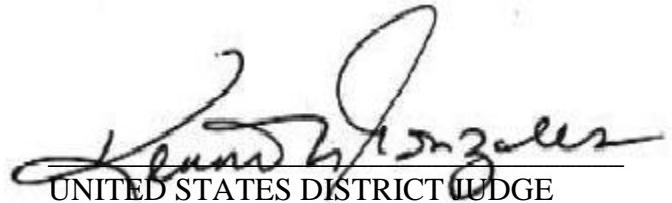
¹ References that begin with "CV" are to Case No. 15-cv-0770 KG/SMV. References that begin with "CR" are to the underlying criminal case, Case No. 14-cr-3643 KG-1.

trial counsel to file an appeal and that Defendant's allegation of ineffective assistance of counsel was without merit. He therefore recommended denying Defendant's Motion and dismissing the case with prejudice. [CV Doc. 20, CR Doc. 48] at 9. Defendant did not object to the PF&RD, and the time for doing so has passed.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Magistrate Judge's Proposed Findings and Recommended Disposition [CV Doc. 20, CR Doc. 48] are **ADOPTED**.

IT IS FURTHER ORDERED THAT Defendant's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 [CV Doc. 1, CR Doc. 29] is **DENIED**, and the civil case **DISMISSED with prejudice**.

IT IS SO ORDERED.



LEWIS A. KAPLAN, JR.
UNITED STATES DISTRICT JUDGE